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Doe/Klim and Doe/Skywalker

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

**ART OF LIVING FOUNDATION**, a  
California corporation,

Plaintiff,

vs.

**DOES 1-10**, inclusive,

Defendants.

Case No. 10-cv-5022-LHK-HRL

**STIPULATION AND ~~PROPOSED~~  
ORDER TO TERMINATE REFERRAL  
TO MEDIATION AND REFERRING  
TO SETTLEMENT CONFERENCE  
BEFORE MAGISTRATE JUDGE**

1 WHEREAS, on February 9, 2011 this Court, pursuant to stipulation, ordered the  
2 parties to mediate within 90 days of this Court's resolution of Defendants' dispositive  
3 motions [D.E. 25]; and

4 WHEREAS, on May 26, 2011 the Court entered a Minute and Case Management  
5 Order that referred the parties to Court-connected mediation to be completed by  
6 September 9 [D.E. 79]; and

7 WHEREAS that mediation deadline was extended by Order of this Court on  
8 August 10, 2011 [D.E. 91]; and

9 WHEREAS Defendants Skywalker and Klim have appeared in this action  
10 pseudonymously and have filed a motion to quash subpoenas [D.E. No. 62], which  
11 subpoenas seeks to reveal Skywalker and Klim's identities; and

12 WHEREAS the Court's ADR department has informed the parties that it cannot  
13 conduct a mediation with pseudonymous parties; and

14 WHEREAS the Court has by its Order of November 9, 2011 [D.E.129] granted  
15 Defendants Klim and Skywalker's motion to quash Plaintiffs' subpoenas for their  
16 identities, pending further determinations by this Court; and

17 WHEREAS at the Case Management Conference held on January 12, 2012 the  
18 Court indicated that if the parties were unable to settle the case by February 9, 2012,  
19 they were to so report to the Court, and that in that event the Court would refer the  
20 parties to the Hon. Joseph C. Spero, Magistrate Judge of this Court, [D.E. 141]; and

21 WHEREAS, the parties having discussed settlement in person and by phone and  
22 having reported to the Court that they have not settled the matter [D.E. 142], and having  
23 further discussed settlement as well as conferred with the Court's ADR staff to  
24 determine the proper procedure under the circumstances; and

25 WHEREAS the parties believe that the assistance of a settlement judge would be  
26 helpful;

27 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff Art of  
28 Living Foundation, and Defendants Doe/Klim and Doe/Skywalker (collectively,

“Defendants”), through their counsel of record, and the parties respectfully request this Court to ORDER that:

1. The Court’s referral of this matter to mediation be terminated; and
2. This matter be referred to Magistrate Judge [the Honorable Joseph C. Spero] / [~~the Honorable~~ \_\_\_\_\_] to conduct a settlement conference, to be completed by June 9, 2012; and
3. Unless and until the Court issues a ruling modifying the Order of November 9, 2012, Defendants are permitted to appear at the conference telephonically and without disclosing their identities.

DATED: March \_\_ 2012

KRONENBERGER ROSENFELD, LLP

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DATED: March \_\_ 2012

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**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Date: March 9, 2012

  
\_\_\_\_\_  
The Honorable Lucy H. Koh  
United States District Court Judge